

REMARKS

Claims 6 and 21 are in the case.

In the previous round of prosecution of Claim 21, Applicant successfully argued that the purported combination under 35 U.S.C. 103 of Lalande with the then-cited secondary references of McKillip, Behnen and Good was no more than an aggregation, in hindsight, of elements whose relation or utility to each other was not taught or suggested in the prior art.

In the Office Action now being responded to, the Examiner has attempted to cure the deficiencies of the previous rejection by replacing McKillip and Behnen with Michlin, Wardwell, Helmich and Tracy as secondary references. As outlined below, Applicant respectfully submits that this substitution does not cure the problems of the previously cited prior art. In fact, the need for six unrelated references to construct a 35 U.S.C. rejection seems to give even more validity to Applicant's argument in favor of nonobviousness.

Lalande is currently cited for its disclosure of tags made from a sheet of tag material adhesively bonded to a carrier sheet and die-cut into individual tags. The sheet of tag material is provided with a silicone release layer which causes the (obviously uncured) adhesive to remain on the carrier sheet when the tags are removed therefrom. It should be noted that Lalande's tags are designed to be stitched to garments or attached thereto by nylon attachment pieces (col. 2, ll. 41-45). They are not hang tags. Also, Lalande's method requires the adhesive to be applied in patches (col. 1, ll. 29-31 and Fig. 1, for the reasons stated in col. 1, ll. 20-23). Applicant's frangible bond avoids this need.

Michlin is cited as disclosing the use of UV-cured adhesive. Two things are wrong with that position: first, Michlin's UV-cured adhesive needs to be a pressure-sensitive (not frangible) adhesive which will cause Michlin's labels 13 to repeatedly adhere to other substrates (col. 6, ll. 12-22 and col. 5, ll. 11-19). Secondly, Michlin's UV-cured adhesive is not cured through a carrier sheet, since it must be usable after detachment from Michlin's form. Thirdly, the multi-layer form of Michlin is a totally different type of product and, Applicant respectfully submits, would not be considered a teaching that a person skilled in the hang tag making art would look for.

Next, Wardwell is cited as disclosing a blush lacquer (not a UV-curable adhesive) providing a frangible bond between a plastic or paper layer and a heat seal adhesive to assure sterility in pharmaceutical packaging. With all due respect, Applicant is unable to understand how this disclosure of a different procedure from an entirely different art has anything to do with Applicant's invention.

Helmich is cited for its disclosure of using a curable UV lacquer on the contact tabs of an electrochemical cell to prevent packaging adhesives from sticking to them. Again, Applicant is at a total loss to understand how this relates to Applicant's invention.

Crum

Response to Office Action dated December 20, 2007

Good was discussed previously in this case. In short, Applicant's position in the prior prosecution, which Applicant maintains in this response, is that Good's adhesive-faced tags are a very different type of hang tags than Applicant's and that Good's only relevance is the provision of a partly cut minor portion of a tag within the major portion. In Good, the minor portion has to remain with the major portion in order to make the hanging feature optional (col. 3, ll. 53-65, particularly ll. 61-63). Reiterating the previously made argument, "Applicant respectfully submits that the retention of the minor portion [in Applicant's frangible environment] would not be obvious at all to a person cognizant of Good. Removing the minor part from the carrier sheet together with the major part may make the frangibility of the adhesive a little less critical, but it would force the user to perform an additional step when the tag is being used".

Finally, Tracy shows a CD label with a major portion enclosing a minor portion. Tracy does not show or describe what happens to the minor portion when the major portion is removed from its backing, but both portions are backed with a pressure-sensitive adhesive and therefore do not have the same selective adhesion criticality associated with Applicant's frangible bond.

In summary, Applicant again respectfully submits that the purported combination of Lalande with the five secondary references is no more than the aggregation, in hindsight, of elements whose relation or utility to each other the prior art fails to teach. It does not suggest Applicant's recognition that there is an advantage in making the carrier sheet of a two-layer tag laminate from a UV-transparent material and to cure a UV-curable adhesive therethrough to where it provides a dry frangible bond between the carrier sheet and the label that allows the label's major portion to be removed from the carrier sheet while leaving the minor portion behind with the carrier sheet waste.

As for Claim 6, the cited thickness limitation provides for sufficient UV-transparency while still allowing the UV-transparent sheet sufficient integrity to serve as a carrier sheet. None of the references concern themselves with that point.

A Notice of Allowance is again respectfully solicited.

Respectfully submitted,



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